

**U.S. DISTRICT COURT FOR WESTERN DISTRICT  
OF PENNSYLVANIA**

WARREN DURHAM, JR.,

CIVIL ACTION

Plaintiff,

No.: 04-297E

-vs-

Judge Sean J. McLaughlin/Magistrate Judge  
Susan Paradise Baxter

CITY OF ERIE, PENNSYLVANIA,  
COUNTY OF ERIE, PENNSYLVANIA,  
CHRISTOPHER McELYNN, BRUCE  
TACKETT, JAMES WASHBURN,  
PATRICK DURKIN, and FRED P.  
ANTHONY,

Defendants.

**MOTION TO COMPEL PLAINTIFF TO ATTEND DEPOSITION**

AND NOW come the Defendants, James Washburn and Patrick Durkin, by and through their counsel, Law Office of Joseph S. Weimer and Edmond R. Joyal, Jr., Esquire, and move this Honorable Court to order Plaintiff, Warren Durham, Jr. to appear for his deposition in Erie, Pennsylvania, on June 8, 2006.

As grounds for this Motion, these Defendants state that Plaintiff has filed a Motion for Reconsideration of the Court's Ruling on the Motion for Sanctions and the scheduling of the deposition prior to May 30, 2006, was unable to be arranged.

WHEREFORE, the Defendants James Washburn and Patrick Durkin respectfully request this Honorable Court enter an Order Compelling the Plaintiff, Warren Durham, Jr. to appear in Erie, Pennsylvania on June 8, 2006 for the taking of his deposition.

LAW OFFICE OF JOSEPH S. WEIMER

BY: \_\_\_\_\_  
Edmond R. Joyal, Jr., Esquire  
Pa. I.D. #65907  
Attorney for Defendants, City of Erie  
and James Washburn and Patrick Durkin  
975 Two Chatham Center  
Pittsburgh, PA 15219  
(412) 338-3184

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION TO COMPEL PLAINTIFF TO ATTEND DEPOSITION has been served by First Class Mail, postage pre-paid, upon the following parties on this 30<sup>th</sup> day of May, 2006.

Warren Durham, Jr.  
12119 Matherson Avenue  
Cleveland, OH 44135  
*(Pro Se Plaintiff)*

A. Taylor Williams, Esquire  
Administrative Office of Pennsylvania Courts  
1515 Market Street, Suite 1414  
Philadelphia, PA 19102  
*(Counsel for Defendant, Judge Fred P. Anthony)*

Kemal Alexander Mericli  
Office of the Attorney General  
Civil Litigation Section  
564 Forbes Avenue  
6<sup>th</sup> Floor, Manor Complex  
Pittsburgh, PA 15219  
*(Counsel for Defendant, Bruce Tackett)*

LAW OFFICE OF JOSEPH S. WEIMER

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